

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,

v.

Civil Action No. 2:93cv902

THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43/ 32' NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,

Defendant.

**R.M.S. TITANIC, INC'S MOTION FOR LEAVE TO OPPOSE THE
UNITED STATES' MOTION TO INTERVENE
AND MEMORANDUM OF LAW IN SUPPORT**

NOW COMES Plaintiff, R.M.S. Titanic, Inc. ("RMST" or the "Company"), by counsel,
and files this Motion for Leave to Oppose the United States' Motion to Intervene.

On August 25, 2023, the United States filed a Motion to Intervene under Federal Rule of Civil Procedure 24 (Docket No. 691, the "Motion"), to file a Complaint seeking a declaratory judgment with respect to Section 113 of Consolidated Appropriations Act, 2017, Pub. L. No. 115-31 (May 5, 2017) ("Section 113"), and seeking to enjoin RMST from conducting any activity at the wreck site of the RMS *Titanic* that would physically alter or disturb the wreck or wreck site without authorization from the Secretary of Commerce pursuant to Section 113. At the time of its filing, RMST indicated to the United States that it did not oppose the Motion, and the United States made that representation to the Court in the Motion.

On October 10, 2023, RMST filed a Periodic Report, notifying the Court that its plans had changed with respect to the intended expedition to the wreck site in 2024, as the result of the horrific tragedy involving the Titan submersible and P.H. Nargeolet that occurred on June 18, 2023. As a result, and out of respect for Mr. Nargeolet, his family, and the four other people who perished in the incident, RMST just recently decided that during Expedition 2024, RMST will not recover artifacts nor conduct any other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic*.

Because of this change in scope of Expedition 2024, RMST has been forced to reconsider its legal positions with respect to the United States' Motion to Intervene. And because Section 113 will no longer be implicated by the scope of Expedition 2024, RMST has concluded that it does in fact oppose intervention by the United States, because the standard to intervene is not satisfied either under Rule 24, or under 28 USC § 2403. While RMST recognizes and regrets the lateness of this conclusion, and the inconvenience and impact this could have on all parties involved, including the Court, RMST nevertheless requests leave of Court to oppose the Motion to Intervene, and set forth the legal justification for its opposition. RMST proposes that it file its Opposition by Wednesday, October 18, and that the United States file any reply brief two weeks later, by Wednesday, November 1.

A proposed order is attached as Exhibit A to this motion.

Dated: October 12, 2023

Respectfully submitted,

RMS TITANIC, INC.

By Counsel:

/s/ Brian A. Wainger
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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2023, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Brian A. Wainger
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